THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :12198 of 2007

DATED:14-06-2007

BETWEEN:

Garlapati Ramachandra Rao.

..... PETITIONER

AND

The Agent to the Government
(District Collector) Khammam
Bhadrachalam,
Khammam District & 6 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent in not passing appropriate orders in the stay (suspension) petition or in the appeal itself filed on 02-05-2007 against the order of the 2nd respondent, dated
12-04-2007, in L.T.R.Case No.9/BCM 2006, as illegal and arbitrary.

3. Against the order of the Agency Divisional Officer, Bhadrachalam in L.T.R.Case No.9/BCM 2006, dated
12-04-2007, ordering ejectment of the petitioner and to restore the land of an extent of Ac.13.25 cents in Sy.No.86/1 situated at Purushothampatnam village, Bhadrachalam mandal, Khammam District in favour of the Scheduled Tribe people petitioner filed an unnumbered C.M.A.No. of 2007 on the file of the 1st respondent-Agent to the Government (District Collector), Khammam District on 01-05-2007 along with an application for grant of stay. It is stated that neither the appeal nor the stay application has been considered and even before the disposal of the statutory appeal the 3rd respondent is taking steps to dispossess the petitioner and restore the land in favour of the Scheduled Tribe people. Hence, the present Writ Petition.

4. Without expressing any opinion on the merits of the case and the statutory appeal the Writ Petition is disposed of directing the 1st respondent to consider and dispose of the appeal filed on 01-05-2007 in L.T.R.Case No.9/BCM 2006 of the 2nd respondent in accordance with

law after giving reasonable opportunity to the parties and pending disposal of the appeal *status quo* obtaining as on today with regard to possession of the said land shall be maintained. No order as to costs.

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V.ESWARAIAH,J

14th June, 2007.
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